

**BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CAMERON CHAPMAN, Respondent

Agency Case No. 20-0141

OAH No. 2021050605

PROPOSED DECISION

Jessica Wall, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter via videoconference on March 23, 2022, from Sacramento, California.

Kim Lew (complainant), Acting Chief, Emergency Medical Service Personnel Division, Emergency Medical Services Authority (EMSA), State of California, was represented by Erin Brennan, Attorney.

Cameron Chapman (respondent) was represented by Joel Weinstein, Mastagni Holstedt.

Oral and documentary evidence was received. The record was held open for the submission of an additional support letter, marked Exhibit O, which was received on March 23, 2022. On April 21, 2022, the record was re-opened to allow complainant to

offer an objection to Exhibit O. There was no objection to the admission of Exhibit O. The record closed and the matter was submitted for decision on April 29, 2022.

FACTUAL FINDINGS

Jurisdictional Matters

1. On May 16, 2017, the EMSA issued Emergency Medical Technician-Paramedic (paramedic or EMT-P) license number P37469 to respondent. Respondent's license will expire on May 31, 2023, unless renewed or revoked.

2. On April 9, 2021, complainant, acting solely in her official capacity, filed the Accusation seeking to discipline respondent's license for violating Health and Safety Code¹ section 1798.200, subdivisions (c)(5), (6), and (9), and California Code of Regulations, title 22, section 100174, subdivision (b)(2). Specifically, complainant alleged, on January 28, 2021, respondent was convicted of driving under the influence of alcohol (DUI) causing bodily injury to another and driving with a blood alcohol concentration (BAC) of 0.20 percent or more. On April 21, 2021, respondent timely filed a notice of defense and requested an administrative hearing under Government Code sections 11505 and 11506.

¹ All further statutory references are to the Health and Safety Code unless otherwise specified.

Conviction

3. On January 28, 2021, in the Placer County Superior Court, Case Number 62-174769, respondent was convicted, upon a nolo contendere plea, of violating Vehicle Code section 23153, subdivision (a) (DUI causing bodily injury to another), a misdemeanor.² The court suspended imposition of sentencing and placed respondent on three years of informal probation. Additionally, respondent was ordered to serve 40 days in jail or at a work project, complete First Offender Conviction and Mothers Against Drunk Driving (MADD) programs, and pay fines and fees.

4. The circumstances underlying the conviction occurred on May 16, 2020. That evening, respondent drove his motorcycle while under the influence of alcohol and crashed, injuring a passenger. Respondent admitted that at about 9:30 p.m., while driving through a residential neighborhood, he crashed his motorcycle into a fence or gate. Respondent's girlfriend, Michaela Owen, was riding behind him as a passenger and was thrown approximately twenty feet from the crash and suffered severe abrasions to her right elbow, right forehead, left arm, and feet. When nearby homeowners ran over to help, respondent directed them not to call the police because he did not want to get a DUI.

5. Once fire personnel arrived at the scene, respondent provided them with a false name and address. He later provided his correct name and address to City of

² Vehicle Code section 23153, subdivision (a), may be punished as a felony or a misdemeanor. (Veh. Code, § 23554.) The complaint originally charged respondent with a felony violation of the statute, but the prosecutor reduced the charge to a "specified misdemeanor" before respondent's plea.

Roseville police officers, but told them that his friend, "Miguel," had been driving the motorcycle, and that he and Ms. Owen had both been passengers. Respondent said Miguel had run into an open field after the crash. Officers questioned respondent, who admitted drinking multiple alcoholic beverages that night and said he knew he was too intoxicated to drive. While interviewing respondent, an officer smelled alcohol on respondent's breath and observed that his eyes were red and watery and his speech was slurred. Officers also found a cold can of "White Claw" alcoholic beverage on the road near the accident. Based on the circumstances, officers determined that field sobriety tests could not be performed. Instead, an officer asked respondent for a blood sample for the DUI investigation and arrested him. Respondent's BAC measured 0.25 percent.

Respondent's Evidence

RESPONDENT'S TESTIMONY

6. Respondent is 30 years old. He is divorced and shares custody of his two children, ages three and five, with his ex-wife. Being "a father and a paramedic" are core aspects of his identity. His grandfather was a firefighter, who inspired him to pursue a career as a paramedic. Respondent began as an emergency medical technician (EMT), then took courses and a written examination to earn his paramedic license. Since 2015, he has worked as a firefighter/paramedic at Sacramento Metropolitan Fire District (Metro Fire).

7. On May 16, 2020, respondent spent the day drinking and socializing with friends. He recalled struggling with difficult emotions that day as he coped with his impending divorce and the realization that his children would grow up in a broken home. In addition, respondent believes that he may suffer from post-traumatic stress

disorder, because of the stress of his job, which may have contributed to his drinking and conduct on May 16, 2020. That evening, respondent and Ms. Owen consumed multiple alcoholic beverages at his home, then went on a motorcycle ride. The only details of the accident that respondent recalled were waking on the pavement with a firefighter standing over him, viewing the ceiling of the ambulance, and waking again in the emergency room (ER). He does not recall directing the witnesses not to call for help, giving incorrect information to fire personnel about his identity, or telling police officers he was not driving the motorcycle. Respondent believes he was suffering from an altered level of consciousness (ALOC) at the time, as documented in ER notes. Respondent argued he could not form the intent to lie on May 16, 2020, because of his ALOC.

8. Respondent has been on criminal probation for slightly over a year. He served 18 days of home confinement and has not violated probation. From September to December 2020, respondent took over 200 tests to screen for alcohol use without any positive test results. He completed the MADD course in March 2021 and the nine-month First Offender Program on July 23, 2021. His criminal probation is scheduled to end on January 28, 2024.

9. Respondent has not consumed alcohol since the day of the accident, which he considers his sobriety date. Prior to his arrest, respondent drank socially every month or two. He denies having any prior issues with alcohol. Respondent began attending Alcoholics Anonymous (AA) one week after his DUI and attended daily virtual meetings for a year. After receiving his one-year chip, respondent transitioned to less frequent attendance and now goes "once every couple months." He had a sponsor when he attended daily, but the two have not spoken "in a long

time.” Respondent worked through all 12 steps, the most difficult of which was making amends. He does not intend to consume alcohol again.

10. Since his arrest, respondent has taken steps to strengthen his support system. He participates in the Metro Fire Peer Support Team, where he shares his story to prevent others from making similar mistakes. He also attends the Employee Assistance Program’s first responder meetings, which help him cope with traumatic work events, such as child deaths. Additionally, his parents, siblings, and friends all know and support his sobriety. He has discontinued friendships with those who did not support his sober journey. Respondent feels ill when he thinks about the accident, which serves as a constant reminder for his sobriety. He is grateful that no one was seriously injured by his decision to drive while intoxicated.

PROFESSIONAL AND COMMUNITY SUPPORT

11. Respondent submitted five letters that coworkers, friends, and family members wrote to the judge who sentenced him in the criminal matter. The authors uniformly laud respondent’s dedication and believe respondent’s misconduct was an isolated mistake.

12. Additionally, respondent submitted a letter and testimony from Sky Conway and testimony from Michael McGoldrick, both Captains at Metro Fire. Captain Conway has known respondent for about four years and supervised him for the past 18 months. Captain Conway finds respondent to be positive, professional, and trustworthy. Captain McGoldrick has known respondent for seven years and served as the union liaison in respondent’s disciplinary hearing at Metro Fire. He believes that respondent is hardworking and honest.

CHEMICAL DEPENDENCY EVALUATION

13. On February 26, 2021, respondent underwent a 60-minute initial addiction psychiatric evaluation with Martin Leamon, M.D., to determine whether respondent suffered from a substance abuse disorder based on the criteria specified in the DSM-5. The evaluation included a review of respondent's current and past symptoms, substance use history, psychiatric history, social history, and family medical history. Dr. Leamon found there was no indication of a current alcohol use disorder based on the specified criteria and because respondent stopped consuming alcohol after the accident.

METRO FIRE DISCIPLINE

14. On July 14, 2021, Metro Fire concluded respondent's actions on May 16, 2020, constituted misconduct. Metro Fire determined respondent made false statements to first responders, showed discourteous treatment to the public, and brought discredit to Metro Fire. Based on his misconduct, Metro Fire issued a written reprimand to respondent and suspended him, without pay, for six consecutive 24-hour shifts.

Analysis

15. The EMSA and the public must have confidence that paramedics have sound judgment to immediately and appropriately react in emergency situations. Here, respondent committed a serious offense when he operated a motorcycle while intoxicated and injured Ms. Owen. Immediately following the accident, respondent tried to prevent witnesses from contacting first responders to treat his and Ms. Owen's injuries, then lied about his identity and role in the collision to avoid prosecution.

Respondent's decision to protect himself at the expense of others shows a serious lack of judgment.

16. In sum, respondent's conduct on May 16, 2020 impugns his ability to perform at the high moral and ethical standards required of paramedics. However, his May 16, 2020 conduct appears to be an isolated incident of misconduct that occurred two years ago. Respondent has no other convictions and no prior discipline by the EMSA. Since January 2021, he has complied with the terms of his criminal probation. Nevertheless, good conduct while on probation receives little weight, as exemplary behavior is expected while on supervision. (*In re Gossage* (2000) 23 Cal.4th 1080, 1099.)

17. Since his DUI, respondent has begun to rehabilitate. Today, he is 22 months sober and committed to sobriety for the rest of his life. In support of his sobriety, respondent provided over 200 negative alcohol tests and an assessment report by a licensed physician, which determined respondent had "no indication of a current Alcohol Use Disorder." Additionally, he offered the testimony of a supervisor, Captain Conway, who spoke to respondent's paramedic competence and judgment in the workplace. Respondent is remorseful for his misconduct and has taken steps to prevent recidivism. Over the past two years, respondent developed new support systems to help him make better choices and cope with stress. He strengthened existing relationships and surrounded himself with others who support his sobriety. Respondent's commitment to rehabilitation suggests that he is not a risk to the public, so long as he maintains his sobriety and receives professional oversight.

LEGAL CONCLUSIONS

1. Under the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (§ 1797 et seq.) ("the Act"), the EMSA is responsible for the licensing of emergency medical responders, including EMTs and paramedics. To exercise these powers and perform the duties conferred upon it, the EMSA has adopted rules and regulations to carry out the purposes of the Act. (§ 1797.107.)

2. Section 1798.200, subdivision (c), lists actions that shall be considered evidence of a threat to the public health and safety and may result in the denial, suspension, or revocation, or in the placement on probation of a paramedic license. For the purposes of license discipline under section 1798.200, an act must be substantially related to the qualifications, functions and/or duties of a person holding a paramedic license. (Cal. Code Regs., tit. 22, § 100175, subd. (a).) This is defined as an act that, "to a substantial degree," "evidences present or potential unfitness of a paramedic to perform the functions authorized by his license in a manner consistent with the public health and safety." (*Ibid.*)

Cause for Discipline

COMMISSION OF ANY FRAUDULENT, DISHONEST, OR CORRUPT ACT

3. Section 1798.200, subdivision (c)(5), provides that the EMSA may discipline a paramedic for "[t]he commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, and duties of prehospital personnel." The absence of "knowingly," "intentionally," or other qualifying words in the statute signals that no specific intent is required for this act to be

considered evidence of a threat to the public health and safety. (See *Khan v. Medical Board* (1993) 12 Cal.App.4th 1834, 1845.) Accordingly, respondent's ALOC is not a defense to his false statements.

4. Cause exists to discipline respondent's license pursuant to section 1798.200, subdivision (c)(5), in that respondent acted dishonestly after the accident. Specifically, respondent sought to deprive his injured passenger of immediate medical assistance, then lied to first responders about his identity and the motorcycle driver's identity to avoid a DUI. Such conduct shows an unfitness to perform the functions of a paramedic in a manner consistent with the public health and safety.

CONVICTION OF A SUBSTANTIALLY RELATED CRIME

5. Section 1798.200, subdivision (c)(6), provides that the EMSA may discipline a paramedic for being "[c]onvict[ed] of any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel." An EMT is a trained healthcare professional, providing life-saving measures to injured patients in their care. As California courts have explained:

Convictions involving alcohol consumption reflect a lack of sound professional and personal judgment that is relevant to a [healthcare provider's] fitness and competence to practice medicine. Alcohol consumption quickly affects normal driving ability, and driving under the influence of alcohol threatens personal safety and places the safety of the public in jeopardy. It further shows a disregard of medical knowledge concerning the effects of alcohol on

vision, reaction time, motor skills, judgment, coordination and memory, and the ability to judge speed.

(*Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757, 770 [regarding license discipline of physicians].) License discipline based on these convictions aims to protect the public and avoid future harm, for it is better to discipline a licensee before he harms a patient than after harm has occurred. (*Id.* at 772.)

6. Cause exists to discipline respondent's license under section 1798.200, subdivision (c)(6), in that respondent was convicted of DUI causing bodily injury to another. Specifically, despite respondent's medical training on the effects of alcohol and experience treating patients following alcohol related accidents, he chose to operate a motorcycle while under the influence of alcohol and admittedly being "too drunk to drive." This shows an unfitness to perform the functions of a paramedic in a manner consistent with the public health and safety.

EXCESSIVE USE OR MISUSE OF ALCOHOLIC BEVERAGES

7. Section 1798.200, subdivision (c)(9), provides that the EMSA may discipline a paramedic for "[a]ddiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances." Even a single instance of alcohol misuse by a healthcare provider can support a disciplinary proceeding. (See *Sulla v. Board of Registered Nursing* (2012) 205 Cal.App.4th 1195, 1207.)

8. Cause exists to discipline respondent's license under section 1798.200, subdivision (c)(9), in that respondent operated a motorcycle with a BAC of 0.25 percent. Respondent's level of intoxication shows he consumed an excessive amount of alcohol. His consumption also constitutes misuse of alcohol because he was at

increased risk for adverse health and social consequences. This shows an unfitness to perform the functions of a paramedic in a manner consistent with the public health and safety.

CONVICTION OF A CRIME PUNISHABLE AS A FELONY

9. California Code of Regulations, title 22, section 100174, subdivision (b)(2), provides that the EMSA shall revoke a paramedic license if the licensee “[h]as been convicted and released from incarceration for said offense during the preceding ten (10) years for any offense punishable as a felony.” The regulation defines an “offense punishable as a felony” as “an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.” (Cal. Code Regs., tit. 22, § 100174, subd. (e).) Here, the prosecutor initially charged respondent with a felony violation of Vehicle Code section 23153, subdivision (a).

10. Vehicle Code section 23153, subdivision (a), can be prosecuted as a felony or misdemeanor, based on the discretion of the prosecutor or trial court. (Veh. Code, § 23554.) In civil actions, “[t]he legal effect of [a nolo] plea, to a crime punishable as a felony, shall be the same as that of a plea of guilty for all purposes.” (*Rusheen v. Drews* (2002) 99 Cal.App.4th 279, 284 [citing Pen. Code, § 1016, subd. (3)].) However, prior to respondent’s plea, the prosecutor changed the charge to a “specified misdemeanor,” meaning that the trial court lacked the discretion to punish it as a felony. Thus, when respondent pled nolo contendere and was convicted, it was solely to a misdemeanor offense. Accordingly, California Code of Regulations, title 22, section 100174, subdivision (b)(2), does not form cause to discipline respondent’s license.

Discipline

FACTORS TO CONSIDER

11. The EMSA has issued Recommended Guidelines for Disciplinary Orders and Conditions of Probation (Guidelines) for violations of the Act. The Guidelines recommend consideration of all facts and circumstances, with public safety being paramount, and suggest disciplinary actions be calculated to aid in the rehabilitation of the licensee, to the extent it is consistent with public protection.

12. In determining whether revocation, suspension, or probation should be imposed, the Guidelines suggest consideration of the following factors: nature and severity of the act under consideration and time elapsed since the act; actual or potential harm to the public or any patient; prior disciplinary or warnings on record or prior remediation by the EMSA or the employer; number and/or variety of current violations; and aggravating, mitigation, and rehabilitation evidence.

REQUIRED ALCOHOL REHABILITATION

13. The Guidelines also identify criteria to be considered in determining rehabilitation for alcohol/drug abuse. Specifically, a licensee must complete a drug/alcohol treatment program lasting at least six months, that includes: (1) chemical-free treatment philosophy; (2) individual and/or group counseling; (3) random, documented biological fluid testing; (4) participation in support groups; (5) education about addictive disease; (6) adherence to a 12-step recovery program philosophy or equivalent; and (7) written documentation of participation in a 12-step recovery group or equivalent.

14. Respondent's prior alcohol rehabilitation satisfies the Guidelines.

Respondent has not consumed alcohol since May 16, 2020. He completed a nine-month alcohol rehabilitation program, participated in random biological fluid testing, and attended AA daily for one year. He has remained employed by Metro Fire and performed his paramedic functions in a safe and competent manner for the past two years. Accordingly, the evidence does not indicate a need to impose the probationary condition for a Drug/Detoxification/Diversion Program to protect the public.

RECOMMENDED DISCIPLINE

15. The Guidelines provide a list of maximum, minimum, and recommended discipline for violations under section 1798.200. For subdivision (c)(5), the Guidelines list a maximum discipline of revocation, a minimum discipline of revocation stayed during three years of probation, and a recommended discipline of 60-day suspension with revocation stayed during three years of probation. For violations of subdivision (c)(6), the Disciplinary Guidelines list a maximum discipline of revocation, a minimum discipline of revocation stayed during one year of probation, and a recommended discipline that varies depending on the nature of the crime. For violations of subdivision (c)(9), the Disciplinary Guidelines list a maximum discipline of revocation, a minimum discipline of revocation stayed during three years of probation, and a recommended discipline of revocation stayed during five years of probation, with additional terms and conditions including the completion of a diversion program and a psychiatric assessment finding the licensee is safe to practice.

16. In considering disciplinary action, credit shall be given for discipline imposed by an employer. (§ 1798.211.) In this case, Metro Fire suspended respondent, without pay, for six consecutive 24-hour shifts on July 24, 2021. This discipline will be credited to respondent's license suspension under section 1798.211.

DETERMINATION

17. After applying the Guidelines, the appropriate discipline includes stayed revocation, a 60-day suspension, and five years of probation, with terms and conditions to include drug/alcohol testing, an ethics course, and weekly counseling. Additionally, while on suspension, respondent will complete a psychiatric assessment with a provider approved by the EMSA. These probation terms and conditions are tailored to protect the public, allow respondent the ability to complete his rehabilitation, and provide adequate assurances to the EMSA that respondent is safe to complete the duties of a paramedic going forward.

ORDER

License Number P37469 issued to respondent, Cameron Chapman, is REVOKED. However, such revocation is STAYED and respondent is placed on probation for five years upon the following terms and conditions.

1. **Suspension:** License Number P37469 issued to the respondent, Cameron Chapman, is suspended for 60 days. He shall receive credit for the suspension of six consecutive 24-hour shifts by Metro Fire.

2. **Probation Compliance:** The respondent shall fully comply with all terms and conditions of the probationary order. The respondent shall fully cooperate with the EMSA in its monitoring, investigation, and evaluation of the respondent's compliance with the terms and conditions of his probationary order.

The respondent shall immediately execute and submit to the EMSA all Release of Information forms that the EMSA may require of the respondent.

3. **Personal Appearances:** As directed by the EMSA, the respondent shall appear in person for interviews, meetings, and/or evaluations of the respondent's compliance with the terms and conditions of the probationary order. The respondent shall be responsible for all of his costs associated with this requirement.

4. **Quarterly Report Requirements:** During the probationary period, the respondent shall submit quarterly reports covering each calendar quarter which shall certify, under penalty of perjury, and document compliance by the respondent with all the terms and conditions of his probation. If the respondent submits his quarterly reports by mail, it shall be sent as Certified Mail.

5. **Employment Notification:** During the probationary period, the respondent shall notify the EMSA in writing of any EMS employment. The respondent shall inform the EMSA in writing of the name and address of any prospective EMS employer prior to accepting employment.

Additionally, the respondent shall submit proof in writing to the EMSA of disclosure, by the respondent, to the current and any prospective EMS employer of the reasons for and terms and conditions of the respondent's probation.

The respondent authorizes any EMS employer to submit performance evaluations and other reports which the EMSA may request that relate to the qualifications, functions, and duties of prehospital personnel.

Any and all notifications to the EMSA shall be by certified mail.

6. **Notification of Termination:** The respondent shall notify the EMSA within seventy-two (72) hours after termination, for any reason, with his prehospital

medical care employer. The respondent must provide a full, detailed written explanation of the reasons for and circumstances of his termination.

Any and all notifications to the EMSA shall be by certified mail.

7. **Functioning as a Paramedic:** The period of probation shall not run anytime that the respondent is not practicing as a paramedic within the jurisdiction of California.

If the respondent, during his probationary period, leaves the jurisdiction of California to practice as a paramedic, the respondent must immediately notify the EMSA, in writing, of the date of such departure and the date of return to California, if the respondent returns.

Any and all notifications to the EMSA shall be by certified mail.

8. **Obey All Related Laws:** The respondent shall obey all federal, state and local laws, statutes, regulations, written policies, protocols and rules governing the practice of medical care as a paramedic. The respondent shall not engage in any conduct that is grounds for disciplinary action pursuant to Section 1798.200. To permit monitoring of compliance with this term, if the respondent has not submitted fingerprints to the EMSA in the past as a condition of licensure, then the respondent shall submit his fingerprints by Live Scan or by fingerprint cards and pay the appropriate fees within 45 days of the effective date of this decision.

Within 72 hours of being arrested, cited or criminally charged for any offense, the respondent shall submit to the EMSA a full and detailed account of the circumstances thereof. The EMSA shall determine the applicability of the offense(s) as to whether the respondent violated any federal, state and local laws, statutes,

regulations, written policies, protocols and rules governing the practice of medical care as a paramedic.

Any and all notifications to the EMSA shall be by certified mail.

9. **Completion of Probation:** The respondent's license shall be fully restored upon successful completion of probation.

10. **Violation of Probation:** If during the period of probation the respondent fails to comply with any term of probation, the EMSA may initiate action to terminate probation and implement actual license revocation. Upon the initiation of such an action, or the giving of a notice to the respondent of the intent to initiate such an action, the period of probation shall remain in effect until such time as a decision on the matter has been adopted by the EMSA. An action to terminate probation and implement actual license revocation shall be initiated and conducted pursuant to the hearing provisions of the California Administrative Procedure Act.

The issues to be resolved at the hearing shall be limited to whether the respondent has violated any term of his probation sufficient to warrant termination of probation and implementation of actual revocation. At the hearing, the respondent and the EMSA shall be bound by the admissions contained in the terms of probation and neither party shall have a right to litigate the validity or invalidity of such admissions.

11. **Abstinence from Drug Possession and Use:** Respondent shall abstain from the possession, injection, or consumption by any route of all controlled substances, dangerous drugs, or any drugs requiring a prescription unless prescribed under federal or state law as part of a documented medical treatment. Within 14 days of obtaining such a prescription, respondent shall ensure that the prescribing

professional provides the EMSA a written report identifying the medication, dosage, the date the medication was prescribed, respondent's diagnosis, and the date the medication will no longer be required. This report must be provided to the EMSA directly by the prescribing professional.

If respondent has a lawful prescription when initially placed on probation, this same report must be provided within 14 days of the commencement of probation.

Any and all notifications to the EMSA shall be by certified mail.

12. **Abstinence from the Use of Alcoholic Beverages:** The respondent shall abstain from the use of alcoholic beverages.

13. **Biological Fluid Testing:** The respondent shall submit to routine and random biological fluid testing or drug/alcohol screening as directed by the EMSA or its designee. Respondent may use a lab pre-approved by the EMSA or may provide to the EMSA the name and location of an independent laboratory or licensed drug/alcohol testing facility for approval by the EMSA. The EMSA shall have sole discretion for lab approval based on criteria regulating professional laboratories and drug/alcohol testing facilities. When the EMSA requests a random test, the respondent shall provide the required blood/urine sample by the time specified, or within 12 hours of the request if no time is specified. When the EMSA requests a random test, the respondent shall ensure that any positive test results are conveyed telephonically by the lab to the EMSA within 48 hours, and all written positive or negative results are provided directly by the lab to the EMSA within 10 days. The respondent shall be responsible for all costs associated with the drug/alcohol screening.

At the EMSA's sole discretion, the EMSA may allow the random drug testing to be conducted by the respondent's employer to meet the requirement of random drug

testing as set forth above. The results of the employer's random drug testing shall be made available to the EMSA in the time frames described above.

14. **Ethical Practice of EMS:** Within 90 days of the effective date of this decision, the respondent shall submit to the EMSA, for its prior approval, a course in Ethics. The respondent must complete this course during his probation period.

Upon completion by the respondent of the Ethics course, the respondent shall submit proof to the EMSA that he fulfilled all course requirements.

Any and all notifications to the EMSA shall be by certified mail.

15. **Psychiatric Evaluation:** Within 60 days of the effective date of this decision, and on a periodic basis as specified by a psychiatrist certified by the American Board of Psychiatry and Neurology, or other specialist as determined by the director of the EMSA, the respondent shall submit to a psychiatric evaluation. The psychiatrist must be approved by the EMSA prior to the evaluation. The respondent shall be responsible for all costs associated with the evaluation.

The EMSA shall have the sole discretion to determine if the respondent may continue to practice as a paramedic until such time that the psychiatrist evaluates and determines that the respondent is mentally and/or physically fit to practice safely as a paramedic.

16. **Psychotherapy:** Respondent shall participate in ongoing psychotherapy with a California licensed mental health professional who has been approved by the EMSA. Within 15 days of the effective date of this decision, respondent shall submit to the EMSA or its designee for its prior approval the name and qualifications of one or more therapists of respondent's choice. Such therapist shall possess a valid California

license to practice and shall have had no prior business, professional, or personal relationship with respondent. Counseling shall be at least once a week unless otherwise determined by the EMSA. Respondent shall continue in such therapy at the EMSA's discretion. Cost of such therapy is to be paid by respondent.

Respondent may, after receiving the EMSA's written permission, receive therapy via videoconferencing if respondent's good faith attempts to secure face-to-face counseling are unsuccessful due to the unavailability of qualified mental health care professionals in the area. The EMSA may require that respondent provide written documentation of his good faith attempts to secure counseling via videoconferencing.

Respondent shall provide the therapist with a copy of the EMSA's decision no later than the first counseling session. Upon approval by the EMSA, respondent shall undergo and continue treatment until the EMSA or its designee determines that no further psychotherapy is necessary.

Respondent shall take all necessary steps to ensure that the treating psychotherapist submits quarterly written reports to the EMSA concerning respondent's fitness to practice, progress in treatment, and to provide such other information as may be required by the EMSA. Respondent shall execute a Release of Information authorizing the therapist to divulge information to the EMSA.

If the treating psychotherapist finds that respondent cannot practice safely or independently, the psychotherapist shall notify the EMSA within three (3) working days. Upon notification by the EMSA, respondent shall immediately cease practice and shall not resume practice until notified by the EMSA or its designee that respondent may do so. Respondent shall not thereafter engage in any practice for which a license issued by the EMSA is required until the EMSA or its designee has notified respondent

that he may resume practice. Respondent shall document compliance with this condition in the manner required by the EMSA.

DATE: May 24, 2022

Jessica Wall
Jessica Wall (May 24, 2022 13:50 PDT)

JESSICA WALL

Administrative Law Judge

Office of Administrative Hearings